THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

W.P.No.14743 of 1996

Dated 06-03-2006

Between:

B.Yuvaraju and others.

…Petitioners

A n d

The District Collector,

Chittoor, and others.

…Respondents

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

W.P.No.14743 of 1996

ORDER:

The petitioners were granted house site pattas of 2 ½ cents each, in Sy.No.223/2 etc., of Kollabylu village, Madanapalle Mandal, Chittoor District; in the year 1991. They complain that even while the assignment in their favour is subsisting, the respondents are trying to assign the house site pattas in favour of third parties. They seek appropriate directions in this regard.

The respondents filed a counter affidavit. They admit that the petitioners were granted house site pattas, and the particulars thereof, are also furnished in the counter-affidavit. It is alleged that severe criticism was levelled against the Revenue Officials, on the ground that ineligible persons were granted house site pattas, and no constructions were undertaken on the sites, for years together. Show cause notices are said to have been issued to the persons, who have not constructed the houses; through substituted service, and ultimately, through orders dated 15-09-1996, the pattas of the petitioners are said to have been cancelled. The respondents further contend that, much before the writ petition came to be filed, the house site pattas were issued to the third parties.

Heard the learned counsel for the petitioners and learned Government Pleader for Assignments.

The petitioners were not aware of the fact that the house site pattas, in their favour, were cancelled, through proceedings dated 15-06-1996. Once the pattas have been cancelled, by the Mandal Revenue Officer, the petitioners have to work out their remedies by filing an appeal before the Revenue Divisional Officer, or the Joint Collector, as the case may be. The averments in the counter affidavit, that the house sites, that were allotted to the petitioners, have already been resumed to the Government, and that they were assigned to third parties; remain unrebutted. In that view of the mater, no relief can be granted to the petitioners, at this stage, *vis-à-vis* the cancellation of pattas.

Learned counsel for the petitioners submits that the petitioners are landless

poor persons, and that their cases may be considered in the next round of assignment of house site pattas.

Strictly speaking, the petitioners cannot be extended any relief, once the Revenue Authorities have found that they were not eligible to be assigned house site pattas. However, having regard to the fact that the cancellation of pattas was done *ex parte*,
the respondents are directed that, in case, there exist any vacant house sites, in the village referred to above, and in case the petitioners were found to be eligible, their cases shall also be considered along with others, as and when assignments are made.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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L. NARASIMHA REDDY, J.

Dt.06-03-2006

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